

## **Chapter 11.22**

### **PARKING PERMIT PROGRAM**

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#### **11.22.010 Purpose.**

A. There exist certain facilities within the city, such as school complexes and other large buildings, which attract commuters seeking parking in nearby areas which are predominantly residential in nature. The increased demand often exacerbates the severe shortage of on-street parking for residents in such areas.

B. This chapter authorizes a program and implements a procedural system by which residents and businesses within qualifying areas may receive preferential treatment when competing with commuter vehicles for available on-street parking in predominantly

residential neighborhoods of the city. The enactment of a preferential parking permit program, administered and coordinated by community development, can address the adverse effect of motor vehicle congestion caused by the long-term parking of commuter vehicles within these areas by:

1. Increasing access to residents;
2. Increasing traffic/pedestrian safety by reducing traffic congestion;
3. Reducing the adverse environmental impacts on an area created by excessive air and noise pollution and the accumulation of trash and refuse on public streets;
4. Encouraging the use of mass transit, carpooling and other alternative modes of transaction by reducing commuter vehicle traffic that originates from outside the permit area and has no apparent relation to area residents; and
5. Promoting the tranquility, safety, health and welfare of area inhabitants, which are desirable attributes that are associated with a positive urban environment.

#### **11.22.020 Definitions.**

As used in this chapter:

1. “Address” means the street number and applicable apartment/condominium number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a separate address.
2. “Area” refers, without reference to zoning, to a geographical region, not necessarily contiguous, where residents dwell and businesses may operate.
3. “Area business” means any professional establishment or nonresident property owner whose business property is located within a city parking permit area.
4. “Area permittee” means an area resident or an area business which has received from the city an area regular permit.
5. “Area regular permit” or “regular permit decal” means a valid decal or cardstock placard hung from the vehicle=s rearview

mirror issued by the city for assignment to vehicles under the legal control of area residents and/or area businesses.

6. "Area resident" means any person who is a bona fide resident of a parking permit area.

7. "Area vehicle" means a vehicle that originates from inside a parking permit area and is under the control of area residents or area business owners and includes automobiles, trucks, motorcycles, or other motor-driven forms of transportation. The term area vehicle does not include boats and trailers.

8. "City permit area" or "parking permit area" means any area designated by the city council as a permit parking area within the city's corporate limits wherein motor vehicles displaying a permit as described herein shall be exempt from parking regulations or restrictions solely applicable to commuter vehicles.

9. "City permit program" means the city's permit parking program, as a whole, administered by community development department.

10. "Commuter vehicle" means a motor vehicle parked in a city permit parking area that: (a) is not under the control of an area resident or area business; and (b) does not bear a permit as described herein for the parking permit area.

11. "Dwelling" means a building, or portion thereof, which is designated for residential purposes. Such dwelling must bear an address. The number of independent dwelling units recognized therein shall not exceed the number authorized by the applicable zoning ordinances.

12. "Guest permit" means the portable card stock placard issued by the city to area residents and area businesses for use on vehicles under the legal control of guests, customers and/or clients during periods when persons operating said vehicles are actually visiting or engaged in business at the

permittee's address not to exceed forty-five (45) days.

13. "Lease" means that a person pays rent or other remuneration for use of a parcel of real property as such person's residence or place of business.

14. "Owns" means that a person has at least one-quarter (3) of the fee or equitable interest in a parcel of real property within a city permit parking area.

15. "Permit vehicle" refers to any vehicle properly displaying a regular permit or a guest permit issued by the city for authorized use on such vehicles.

16. "Permit year" refers to the twelve (12) month period set for the administration of a city permit area, including the expiration and renewal of permit area regular and guest permits.

17. "Program" means and shall refer to the process of designation, administration and enforcement of all city parking permit areas and regulations established by the city council pursuant to the provisions of this chapter.

18. "Regular permit" means an adhesive decal or card stock placard hung from the vehicle's rearview mirror that was issued by the city for assignment to vehicles under the legal control of area residents and area businesses.

19. "Resident" means a person who resides or dwells in the city parking permit area on a regular basis.

#### **11.22.030 Area designation-Authority.**

The city council may designate as a parking permit area any area within the corporate limits of the city which the city council finds to satisfy the area designation criteria detailed below. Such area shall then be a city permit area in which motor vehicles displaying an area regular permit or guest permit may stand or be parked without limitations imposed on commuter vehicles by the parking regulations in the area.

#### **11.22.040 Area designation-Criteria.**

A. An area may be eligible for consideration as a city permit area if the community development director determines, after proper evaluation, that the qualified area is adversely affected by commuter vehicles for any extended period(s) during the day or night, on weekends or holidays.

B. In determining adverse affects upon an area, the community development director shall analyze and evaluate factors which include, but are not limited to, the following:

1. The extent of the desire and perception of need by the residents for permit parking as evidenced by receipt of petitions as required herein;

2. The extent to which legal on-street parking spaces are occupied by motor vehicles during any given time period; and

3. The extent to which vehicles parking in the area during the period proposed for parking regulations are commuter vehicles rather than resident vehicles.

C. The community development director may consider for proposed designation as a city permit area, an area whose streets (or portions thereof) qualify by satisfying the following eligibility criteria:

1. A major portion of the parking capacity is generally occupied;

2. Such occupancy continues for any consecutive four (4) hour period and such occupancy rate occurs on an average of at least four (4) days per week;

3. Twenty-five percent (25%) of the vehicles occupying the on-street spaces are other than area vehicles; and

4. The requesting area consists of curb space fronting a minimum of two contiguous residences in length.

#### **11.22.050 Area designation-Process.**

A. Persons desiring to have an area designated a parking permit area shall consult with the community development director, to tentatively establish the boundaries of the area proposed for designation.

B. As soon as practical after consulting with the community development director the proponents of the parking permit area shall submit a petition in a form acceptable to the city containing the signatures of a minimum of fifty-one percent (51%) of the residents living within the boundaries of the area proposed for the parking permit area.

C. As soon as practical after submitting the petition containing the required signatures, the proponents of the parking permit area shall submit a list from the Salt Lake County Assessor=s Office that list each separate tax parcel/property owner of record within the proposed parking permit area together with the complete address of such owner.

D. Upon receipt of the petition containing the required signatures and the list from the Salt Lake County Assessor=s Office and on the community development director=s favorable recommendation to establish a parking permit area for the area, the city council, as soon as practicable consistent with scheduling constraints, may fix a time, date and location for a public hearing to consider the petition and the community development director=s recommendation to designate the proposed area a parking permit area where on-street parking is restricted or allowed by area regular permit or temporary visitor permit only. Said hearing shall also be conducted for comment and analysis to determine the boundaries as well as the appropriate area rules and regulations, parking restrictions, issuance of permits, fees and other facets of appropriate implementation.

E. At least ten (10) days prior to the hearing date, written notice of the public hearing(s) provided for herein shall be (1) published in a newspaper of general circulation, (2) posted not more than 400 feet apart along the streets proposed in the permit area, and (3) mailed to the property owners within the proposed area. The notice shall state the purpose of the hearing, the location of the hearing, the proposed boundaries of the

parking permit area, the proposed permit fee schedules and formulas for issuance, if any, and the location where the petition and other information is on file and available for public review.

F. Any interested party shall be entitled to appear and be heard on the public hearing subject to city council rules of procedure.

#### **11.22.060 Area designation.**

A. Within thirty (30) days following the hearing, the city council shall deny or approve the designation of a parking permit area.

B. If the city council approves creation of a parking permit area, a declaration of designation shall be prepared establishing the program, including the boundaries, parking regulations, fees, etc., for its administration and implementation. The declaration of designation shall be mailed to each property owner supplied pursuant to section 11.22.050C.

C. As part of a declaration of designation, the city council may establish a conditional citation program. The conditional citation program may include such terms and conditions as the city council shall determine appropriate and shall be included as part of the declaration of designation.

#### **11.22.070 Signs and markings in designated areas.**

Upon the declaration of designation, the city shall cause appropriate signs, markings and/or meters to be erected in the area, indicating prominently thereon the parking regulations, the effective date, and conditions under which permit parking shall be exempt therefrom.

#### **11.22.080 Parking permit—Application-term.**

Each area regular permit shall be valid for five years or portion as set forth in the declaration of designation. Permits shall not be transferable, but may be renewed every five years upon reapplication in the manner required by community development. Each application or reapplication for an area regular permit or visitor permit shall contain information sufficient to identify the applicant's identity, claim for permit eligibility, authorized residence or business address within the city permit area, the license number of the motor vehicle for which application is made, and such other information that may be deemed relevant by community development. Applications shall be accompanied by the fee established in the declaration of designation.

#### **11.22.090 Fees.**

To defray program administration costs, the regular permit fee for two permits shall be \$5.00 and the guest permit fee shall be \$5.00 per permit. The cost to replace a regular permit or a guest permit shall be \$5.00.

#### **11.22.100 Parking permit—Issuance conditions.**

Area regular permits or visitor permits shall be issued by community development. Each such permit shall be designed to state or reflect thereon the particular city permit parking area. No more than one such permit shall be issued for each motor vehicle indicated on the application. The number of permits available and the manner for allocating permits between various competing resident (as opposed to commuter) vehicles, and the manner in which the process will be administered for each designated area in the program shall be established in the declaration of designation.

**11.22.110 Parking permit—Display required.**

Area regular permits or guest permits shall be displayed on or in the authorized vehicle by means of an adhesive decal attached to the rear window of the authorized vehicle or a card stock placard hung from the rearview mirror of the authorized vehicle.

**11.22.120 Parking permit—Activities permitted.**

A motor vehicle bearing an area regular permit or guest permit properly displayed as provided for herein, shall be permitted to stand or be parked in the parking permit area for which the permit has been issued without being limited by parking regulations or prohibitions solely applicable to commuter vehicles. The permit does not exempt drivers or owners from complying with general parking regulations and penalties imposed by an applicable traffic code or ordinance. All other motor vehicles not bearing an area permit or guest permit properly displayed as provided for herein that are parked within a parking permit area shall be subject to the commuter parking regulations established in the declaration of designation, and the penalties provided for herein.

**11.22.130 Guest permits.**

The community development director is authorized to issue guest permits to residents and businesses located within designated permit area for use of their bona fide transient visitors, service persons, and construction personnel for a limited duration not to exceed forty-five (45) days. Prior to expiration, a vehicle bearing a guest permit shall have all the parking rights, obligations and privileges given to area permittees.

**11.22.140 Parking permit—Revocation conditions.**

A. Faithful compliance with the terms of the permit program is a condition subsequent

to the privilege of obtaining an area regular permit or guest permit. Violation of the terms of the city permit program shall be deemed a forfeiture of those privileges.

1. Any person holding an area regular permit or guest permit that is convicted of a violation of this chapter may be required to surrender such permit as a part of sentencing.

2. The community development director is authorized to revoke an area regular permit or guest permit of any person found to be in violation of this chapter, and upon written notification thereof, the person shall surrender such permit to the community development director. Failure, when so requested, to surrender such a permit so revoked shall constitute an infraction.

3. In the event the community development director has good cause to believe that any person or entity is abusing the visitor permit system, he shall so notify such person abusing the visitor permit system. Any further application for a visitor permit by such person found abusing the visitor permit system may be denied for a period of not more than one year.

B. Any person aggrieved by such a determination made by the community development director under subsections A2 and A3 of this section shall have the right to appeal to the mayor within seven (7) days of such determination.

**11.22.150 Enlargement of area.**

Any existing parking permit area may be enlarged by following substantially the same procedure set forth in sections 11.22.040, 11.22.050 and 11.22.060 hereof for such enlarged area.

**11.22.160 Removal of area designation or deletion of streets.**

A. The city council may delete an area or selected street from the parking permit area by giving notice to all addresses within the boundary of the permit parking area proposed

to be wholly removed from permit parking designation or within the boundary of an existing permit parking area where certain streets (or portions thereof) are proposed to be deleted from permit parking area, that a public hearing is to be held to consider this action. Such notice shall be given as provided for in subsection 11.22.050(E) of this chapter.

B. Such notice shall contain:

1. The date, time and place of the public hearing to consider the proposed removal or deletion.

2. A description of the city council=s intention to remove from designation a permit parking area or to delete certain streets (or portions thereof) from an existing permit parking area.

3. A listing of the streets (or portions thereof) proposed for removal from designation or deletion from a permit parking area.

C. The hearing shall be conducted as provided herein.

D. Within thirty (30) days of the public hearing the city council shall approve or deny the proposed removal from permit designation of an entire permit parking area or the proposed deletion of certain streets (or portions thereof) from an existing permit parking area.

E. If permit parking area designation is removed from an entire area or if the deletion of certain streets (or portions thereof) from an existing permit parking area is approved, a declaration of removal shall be prepared and distributed to the areas so affected using the criteria outlined herein.

#### **11.22.170 Modification of regulations.**

A. The city council may modify the rules, regulations or restrictions governing an existing permit parking area by giving notice to all addresses within the boundary of the existing permit area subject to the proposed modifications of a public hearing to be held.

B. Such notice shall contain:

1. The date, time and place of the public hearing to consider the proposed modifications.

2. A description of the city council=s proposed modifications to the existing permit parking area.

3. A listing of the streets (or portions thereof) that will be affected by the proposed modifications.

C. The hearing shall be conducted as provided herein.

D. Within thirty (30) days of the public hearing the city council shall approve or deny the proposed modification(s).

E. If the modification(s) is approved, a notice shall be prepared and distributed to the areas so affected using the criteria outlined herein.

#### **11.22.180 Unlawful activities—Penalty.**

A. It is unlawful and a violation of this chapter for any person to stand or park a motor vehicle, or to cause the same to be done contrary to the parking regulations established pursuant hereto. Such violation shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

B. It is unlawful and a violation of this chapter for a person to falsely represent himself as eligible for a area regular permit or a guest permit, or to furnish false information in an application therefor to the community development director. Such violation shall constitute a Class B misdemeanor.

C. It is unlawful and a violation of this chapter for a person holding an area regular permit to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this chapter, both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued. Such violation shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

D. It is unlawful and a violation of this chapter for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit area regular permit or a guest permit in order to evade parking regulations applicable in a city permit parking area. Such violation shall constitute a Class B misdemeanor.